

Message Text

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ORIGIN IO-13

INFO OCT-01 AF-08 ARA-06 EA-07 EUR-12 NEA-10 ISO-00 EB-07

CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 USIA-06 TRSE-00 AID-05 DHA-02

SIL-01 LAB-04 /122 R

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IO/UNP - MR. CUTTER

L - MR. LEIGH

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FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK

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E.O. 11652: N/A

TAGS: UN, PDIP

SUBJECT: UN ,SLAVERY" SUIT

REFS: (A) USUN 4122 (B) USUN 4815 (C) USUN 3880

1. IN ACCORDANCE PARA 4 REFTEL A, AT DEPT'S REQUEST
JUSTICE HAS FILED SUGGESTION OF IMMUNITY FOR UNDP DEPUTY
ADMINISTRATOR PATEL AND HIS WIFE, WHO ARE ENTITLED TO
DIPLOMATIC PRIVILEGES AND IMMUNITY UNDER SECTION 19 OF THE
CONVENTION OF PRIVILEGES AND IMMUNITIES OF THE UNITED
NATIONS.

2. IN RESPONSE PARA 3(B) REFTEL B, NO SUGGESTION OF IMMUNITY HAS BEEN REQUESTED BY UN FOR THE OTHER TWO NAMED DEFENDANTS (RUBEN MENDEZ, AN OFFICER IN UNDP'S FAR EAST

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DIVISION, AND HIS WIFE), NOR DOES DEPT BELIEVE COURT

WOULD BE RECEPTIVE TO SUCH SUGGESTION. MENDEZ IS ENTITLED ONLY TO IMMUNITIES FOR HIS "OFFICIAL ACTS" UNDER SECTION 18 OF THE UN CONVENTION AND SECTION 7 OF THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT (PL 79-291), AND DEPT IS NOT RPT NOT OF OPINION THAT FUNCTIONAL IMMUNITY WOULD COVER THE ACTS ALLEGED. LEGAL ADVISER LEIGH HAS CONVEYED THIS POSITION TO UNDP ADMINISTRATOR MORSE, INDICATING ALSO THAT JUSTICE WILL NOT INTERVENE IN THE LITIGATION.

3. DEPT IS REVIEWING APPLICABILITY OF LOCAL MINIMUM WAGE LAWS TO G-5 HOUSEHOLD EMPLOYEES AS REQUESTED PARA 3(A) REFTEL B. SINCE THIS MATTER IS STILL IN LITIGATION, WE DO NOT BELIEVE APPROACH TO SYG OR UN VISA COMMITTEE CONCERNING LEVEL OF SALARIES TO BE PAID TO HOUSEHOLD EMPLOYEES WOULD BE APPROPRIATE AT THIS TIME.

4. DEPT AGREES WITH USUN RECOMMENDATION PARA 5 REFTEL C THAT A THOROUGH REVIEW OF ALL ASPECTS RAISED BY THIS MATTER SHOULD BE MADE, AND WE HAVE BEGUN THAT REVIEW.

5. WE BELIEVE THAT, WITHOUT INDICATING ANY POSITION AS TO LEGAL MERITS OF SUIT, YOU SHOULD MAKE FOLLOWING POINTS TO THE SECRETARY-GENERAL:

-- WE VIEW WITH CONCERN ALLEGATIONS THAT MEMBERS OF UN SECRETARIAT HAVE MISTREATED THEIR DOMESTIC SERVANTS. IF TRUE, SUCH ACTIONS WOULD OF COURSE BE DEPLORABLE REGARDLESS OF WHETHER THEY MIGHT BE ACTIONABLE IN US COURTS.

-- SUCH PRACTICES, IF THEY EXIST, SHOULD BE OF SPECIAL CONCERN TO THE SECRETARY-GENERAL BOTH BECAUSE THEY ARE INHUMANE AND BECAUSE THEY REFLECT ADVERSELY ON THE UNITED NATIONS.

-- FOR THESE REASONS, WE HOPE THAT THE SECRETARY-GENERAL WILL LOOK INTO THESE CHARGES AND USE HIS AUTHORITY TO MAKE CLEAR THAT UN CANNOT ACQUIESCE IN MISTREATMENT--INCLUDING UNDERPAYMENT--OF DOMESTIC SERVANTS OF ITS EMPLOYEES.

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-- WE HOPE UN WILL STUDY MEANS TO MONITOR THIS PROBLEM.

-- WE INTEND TO INFORM UN LEGAL ADVISOR SUY THAT AT DEPT'S REQUEST, SUGGESTION OF IMMUNITY HAS BEEN FILED FOR PATEL AND HIS WIFE.

-- HOWEVER, WE AGREE WITH UN LEGAL ADVISER SUY

THAT MENDEZ WOULD NOT BE ENTITLED TO OFFICIAL ACTS
IMMUNITY FOR ACTS ALLEGED.

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